

## Message Text

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FM AMEMBASSY PARIS  
TO SECSTATE WASHDC 4261  
INFO AMEMBASSY JIDDA  
AMCONSUL DHAHRAN  
USLO RIYADH

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SUBJ: PRESS QUERIES ON AMCITS HELD IN SAUDI ARABIA:  
HERALD TRIBUNE STORY

REF: STATE 163823

PER REQUEST REFTTEL, FOLLOWING IS COMPLETE TEXT OF ARTICLE WHICH APPEARED IN JULY 3 INTERNATIONAL HERALD TRIBUNE ON PROBLEMS OF AMERICANS HELD IN SAUDI ARABIA. ARTICLE BYLINED FRED FARRIS AND DATELINED WASHINGTON JULY 2.

"AFTER FLOGGING OF BRITONS"

'SAUDI LAW CODE RAISES RIGHTS CONCERNS'

"BY FRED FARRIS"

"WASHINGTON, JULY 2 (IHT)--

"THE RECENT UPROAR IN THE BRITISH PARLIAMENT OVER THE CANING OF TWO BRITONS IN SAUDI ARABIA FOR ALCOHOL OFFENSES HIGHLIGHTS A PROBLEM THAT WILL GROW AS MORE WESTERNERS MOVE TO THAT NEWLY PROSPEROUS ORTHODOX MOSLEM COUNTRY TO WORK: HOW TO PREVENT THEM FROM RUNNING AFOUL OF RIGID SAUDI LAWS? AND HOW, IN THE ERA OF 'HUMAN RIGHTS,' CAN THE FLOGGINGS BE  
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RECONCILED WITH WESTERN FREEDOMS?

"THE SAUDI FLOGGINGS RECENTLY PROMPTED ONE LABOR MP TO DENOUNCE THEM AS 'AN OUTRAGEOUS PIECE OF BARBARISM' AND ANOTHER TO DECLARE THAT 'IT'S TIME SAUDI ARABIA'S LAWS WERE BROUGHT INTO HARMONY WITH THOSE OF THE CIVILIZED WORLD.'

"BUT BOTH THE BRITISH FOREIGN OFFICE AND THE

U.S. STATE DEPARTMENT HOLD TO THE VIEW THAT FOREIGNERS MUST OBSERVE THE LAWS OF THE NATIONS THEY ARE IN. 'FLOGGING IS PART OF THE MOSLEM PUNISHMENT CODE,' SAID AN OFFICER IN THE DEPARTMENT'S BUREAU OF HUMAN RIGHTS.

THE DEPARTMENT FEELS THE FIRMS WHO BRING IN AMERICAN WORKERS SHOULD GIVE THEM CAREFUL BRIEFINGS ON LIVING IN A TRADITIONAL MOSLEM NATION. BUT IT HAS ACTED TO SUPPLEMENT THOSE WITH FURTHER SUCH SESSIONS IN SAUDI ARABIA.

"THE BUREAU OF HUMAN RIGHTS IS NOT DIRECTLY CONCERNED WITH CASES OF AMERICANS BEING PUNISHED; RATHER ITS MAIN RESPONSIBILITY IS 'TO WORK ON HUMAN RIGHTS POLICY ON U. S. FOREIGN POLICY ISSUES,' AN OFFICIAL SAID.

"BUT ANOTHER OFFICER IN THE BUREAU CONCEDED THAT 'IF AN AMERICAN CITIZEN WERE FLOGGED AND IT WAS MADE PUBLIC, IT WOULD BE OFFENSIVE TO ALL OF US.' IN LIGHT OF THE RECENT BRITISH INCIDENT, HE SAID, THERE IS A CONTINUING INVESTIGATION BY THE STATE DEPARTMENT'S CONSULAR SERVICE TO SEE IF ANY AMERICANS ARE 'POTENTIALLY IN THAT SITUATION, IN JAIL AND DUE TO BE FLOGGED.'

"OFFICIALS COULD RECALL ONLY ONE AMERICAN BEING CANED IN SAUDI ARABIA WITHIN THE LAST TWO YEARS, ALTHOUGH SOME OF THE 10 AMERICANS NOW IN SAUDI JAILS MAY CONCEIVABLY FACE CANING AS PART OF THEIR SENTENCES. UNCLASSIFIED

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"SENTENCE OF HUMILIATION"

"MOST OF THE TIME THE SAUDIS DO NOT FOLLOW UP ON THAT PROCEDURE," A DEPARTMENT AIDE NOTED. 'IT IS THE TRADITION IN SOME OFFENSES UNDER MOSLEM CODE THAT FLOGGING IS PART OF THE PUNISHMENT....IT IS NOT INTENDED TO INFLICT PAIN OR TORTURE PRIMARILY BUT IS MORE A SENTENCE OF HUMILIATION.'

"THE AMERICAN WAS ARRESTED IN JUNE LAST YEAR AFTER A FIST FIGHT WITH A SAUDI NATIONAL. HE PAID FOR DENTAL REPAIR WORK ON THE VICTIM, BUT WAS SENTENCED TO TWO MONTHS AND 90 STROKES EACH MONTH. THIS WAS REDUCED TO A TOTAL OF 20 STROKES, ADMINISTERED SEPT 21. AFTER HIS PUNISHMENT, HE TOLD THE U. S. EMBASSY REPRESENTATIVE WHO HAD CLOSELY FOLLOWED HIS CASE THAT THE CANING 'WAS LIGHTLY ADMINISTERED AND CAUSED NO DISTRESS.'

THE TWO BRITONS FLOGGED IN A PUBLIC SQUARE ON MAY 15 WERE CONVICTED OF MAKING LIQUOR IN VIOLATION OF THE MOSLEM BAN ON ALCOHOL AND LEAVING IT AROUND WHERE SOME WORKERS FOUND AND DRANK IT. THIS WAS CONSIDERED A MUCH MORE SERIOUS OFFENSE THAN PRIVATE

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DRINKING AMONG WESTERNERS. THE FOREIGN OFFICE REPORTED  
ON JUNE 14 THAT SEVEN OTHER BRITONS FACE CANING FOR  
MAKING ALCOHOL AND SAID IT IS TRYING TO GET THE SAUDIS  
TO OMIT THE FLOGGING.

"THE PROBLEM FOR THE UNITED STATES IS NOT GREAT--  
OUT OF SOME 33,000 AMERICANS NOW IN SAUDI ARABIA, 10  
ARE IN SAUDI JAILS AND 14 OTHERS ARE NOT PERMITTED TO  
LEAVE THE COUNTRY BECAUSE THEIR CASES, WHICH INVOLVE  
LAW VIOLATIONS, HAVE NOT BEEN COMPLETED. THEY ARE NOT  
IN JAIL, HOWEVER.

"NEVERTHELESS, THE PROBLEM HAS RECEIVED ENOUGH  
ATTENTION TO CAUSE THE DEPARTMENT TO ASSIGN AN ARAB-  
AREA EXPERT LAST DECEMBER TO BE CONSUL GENERAL AT THE  
EMBASSY IN JIDDAH. HIS DUTIES INCLUDE TRAVEL-  
ING TO AREAS WHERE AMERICANS MIGHT BE IN DIFFICULTIES  
AND WHERE LOCAL OFFICIALS DO NOT SPEAK ENGLISH. THE  
CONSUL GENERAL, ROBERT CASE, HAS AN EXTENSIVE KNOW-  
LEDGE OF THE MIDDLE EAST AND ITS CULTURE, WHICH MAKES  
HIM A KIND OF CULTURAL BRIDGE BETWEEN THE HOST COUNTRY  
AND THE NEWLY ARRIVED AMERICANS.

"THE IMPORTANT THING IS TO TRY TO GET TO  
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AMERICANS BEFORE THEY GET INTO THE JUDICIAL PROCESS," ONE OFFICIAL SAID. 'AMERICANS BREAK THE LAW AND WE HAVE TO GET DUE PROCESS FOR THEM.'

"THE UNITED STATES DOES NOT HAVE A FULL-FLEDGED CONSULAR CONVENTION WITH THE SAUDI KINGDOM. SINCE 1933, THERE HAS BEEN A TRADE AND COMMERCIAL AGREEMENT BETWEEN THE TWO NATIONS, WHICH, AMONG OTHER THINGS, PROVIDES DIPLOMATIC IMMUNITY TO THEIR REPRESENTATIVES. IT SPECIFIES THAT AMERICANS AND SAUDIS, IN EACH OTHER'S COUNTRIES, 'SHALL ENJOY THE FULLEST PROTECTION OF THE LAWS...AND...SHALL NOT BE TREATED IN REGARD TO THEIR PERSONS, PROPERTY, RIGHTS AND INTERESTS IN ANY MANNER LESS FAVORABLE THAN THE NATIONALS OF ANY OTHER FOREIGN COUNTRY.'

"WHILE SUCH AGREEMENTS SHORT OF FULL CONSULAR CONVENTIONS ARE NOT UNUSUAL IN U.S. DIPLOMACY, THE INCREASING U.S. PRESENCE IN SAUDI ARABIA HAS MADE THE SAUDI AGREEMENT INADQUATE IN THE U.S. VIEW.

"NOT THAT AMERICANS IN SAUDI ARABIA HAVE FARED BADLY UNDER THE EXISTING ACCORD. EVEN WHEN THEY ARE IN TROUBLE WITH SAUDI LAW, THE OFFICIAL SAID, U.S. DIPLOMATS 'HAVE WORKED OUT WAYS, THROUGH PERSONAL CONTACTS AND THE LIKE, TO HANDLE SUCH MATTERS, BUT WE DON'T THINK IT IS SUFFICIENT.'

"I'M NOT SAYING WE HAVE ANY TROUBLES--THEY TREAT US VERY WELL IN SAUDI ARABIA,' HE SAID.

"THE UNITED STATES, HOWEVER, HAS MADE CLEAR ITS OPPOSITION TO 'CRUEL AND INHUMAN PUNISHMENT' FOR VIOLATION OF SAUDI LAW, ALTHOUGH SOURCES CONCEDE THAT FLOGGING IS CLEARLY WRITTEN INTO THE MOSLEM CODE AND THAT AMERICANS IN SAUDI ARABIA ARE SUBJECT TO THAT CODE.

"10 AMERICANS BEING HELD"  
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"WHAT KIND OF MISDEMEANORS OR CRIMES ARE INVOLVED HERE? OF THE 10 AMERICANS HELD, ALL OF WHOM ARE MEN, TWO ARE JAILED ON DRUG-RELATED OFFENSES, ONE ON CHARGES OF ILLEGALLY MAKING ALCOHOL, ONE BECAUSE OF A TRAFFIC ACCIDENT THAT CAUSED INJURY TO OTHERS, FOUR ON FRAUD, INCLUDING EMBEZZLEMENT, AND ONE EACH ON VIOLATION OF IMMIGRATION LAW AND LABOR LAW.

"SINCE JAN. 1, 24 AMERICANS HAVE BEEN JAILED AND SIX DEPORTED. OF THOSE NOW IN JAIL, TWO HAVE BEEN SENTENCED; ONE RECEIVED A YEAR FOR ILLEGALLY MAKING LIQUOR AND ANOTHER IS SERVING TWO YEARS FOR EMBEZZLEMENT. OF THOSE WHOSE PASSPORTS WERE LIFTED, PREVENTING THEIR LEAVING THE COUNTRY, FOUR WERE INVOLVED IN

TRAFFIC ACCIDENTS, THREE PARTICIPATED IN BANNED FRATERNAL ORGANIZATIONS, SUCH AS THE FREEMASONS, FOUR CASES ARE RELATED TO ALCOHOL OFFENSES AND THREE INVOLVE INVESTIGATIONS OF FRAUD.

DESPITE THE LACK OF A CONSULAR TREATY, OFFICIALS SAID THE SAUDIS HAVE ALWAYS NOTIFIED THE U. S. EMBASSY WHEN AN AMERICAN WAS IN TROUBLE WITH SAUDI AUTHORITIES. FROM THEN ON, A CONSULAR OFFICIAL TAKES OVER, MEETING WITH THE ACCUSED AND MONITORING THE CONDITIONS UNDER WHICH HE IS HELD. IF THEY ARE NOT AS GOOD AS THOSE ACCORDED A SAUDI CITIZEN, THE CONSUL WORKS TO ASSURE EQUITABLE TREATMENT OR A PROTEST WILL FOLLOW."

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